

## UNITED STATES DISTRICT COURT

District of Nebraska

UNITED STATES OF AMERICA  
v.

MOODY MOTOR CO., INC.

**JUDGMENT IN A CRIMINAL CASE**  
(For Organizational Defendants)

CASE NUMBER: 8:24CR43

Michael J. Tasset  
Defendant Organization's Attorney**THE DEFENDANT ORGANIZATION:**

- pleaded guilty to count(s) 1 of the Information.
- pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.
- was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:3	ACCESSORY AFTER THE FACT	1/31/2022	I

The defendant organization is sentenced as provided in pages 2 through 16 of this judgment.

- The defendant organization has been found not guilty on count(s) \_\_\_\_\_
- Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's  
Federal Employer I.D. No.: 47-0610734

Defendant Organization's Principal Business Address:

Moody Motor Co., Inc.

251 Spruce Ave.

Niobrara, Nebraska, 68760

Defendant Organization's Mailing Address:

same

7/31/2024

Date of Imposition of Judgment

Susan M. Bazis  
Signature of Judge

Susan M. Bazis, United States District Judge

Name and Title of Judge

7/31/2024

Date

AO 245E (Rev. 12/03) Judgment in a Criminal Case for Organizational Defendants  
Sheet 1A

Judgment—Page 2 of 16

DEFENDANT ORGANIZATION: MOODY MOTOR CO., INC.  
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### ADDITIONAL COUNTS OF CONVICTION

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
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DEFENDANT ORGANIZATION: MOODY MOTOR CO., INC.  
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## PROBATION

The defendant organization is hereby sentenced to probation for a term of :  
one (1) year on Count I.

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

## STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organization's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION: MOODY MOTOR CO., INC.  
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### **ADDITIONAL PROBATION TERMS**

- 1) The organization shall notify the court or probation officer immediately upon learning of (A) any material adverse change in its business or financial condition or prospects, or (B) the commencement of any bankruptcy proceeding, major civil litigation, criminal prosecution, or administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities regarding the organization.
- 2) The organization shall pay the assessment imposed in accordance with 18 U.S.C. § 3013.

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### **SPECIAL CONDITIONS OF SUPERVISION**

1. The Defendant Organization must pay a fine in the amount of \$39,741.95 to the Clerk of the U.S. District Court, 111 S. 18th Plaza, Suite 1152, Omaha, Nebraska 68102-1322. This amount is due within 15 days.

If the Defendant Organization does not pay the fine within 15 days then they shall pay the fine in monthly installments of \$3,613.00 with the first payment being due on August 1, 2024.

n. Defendant Organization must provide the probation officer with access to any requested financial information.

zz. The representative of Defendant Organization must report to the Supervision Unit of the U.S. Probation Office for the District of Nebraska between the hours of 8:00 a.m. and 4:30 p.m., 111 South 18th Plaza, Suite C79, Omaha, Nebraska, (402) 661-7555, within seventy-two (72) hours of being placed on probation and, thereafter, as directed by the probation officer.

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Sheet 2C — Probation

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**ADDITIONAL STANDARD CONDITIONS OF SUPERVISION**

DEFENDANT ORGANIZATION: MOODY MOTOR CO., INC.  
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The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b> \$ 125.00 (PAID) Receipt No. 8070150	\$ 39741.95 (PAID) Receipt No. 8070150	\$

- The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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<b>TOTALS</b>	\$ _____	\$ _____
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- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:
- the interest requirement is waived for       fine       restitution.
- the interest requirement for the       fine       restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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**ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES**

DEFENDANT ORGANIZATION: MOODY MOTOR CO., INC.  
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**ADDITIONAL RESTITUTION PAYEES**

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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\* Findings for the total amount of losses are required by Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

**DEFENDANT ORGANIZATION:**  
**CASE NUMBER:**

## **SCHEDULE OF PAYMENTS**

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 39866.95 due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance with  C or  D below; or
- B  Payment to begin immediately (may be combined with  C or  D below); or
- C  Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Special instructions regarding the payment of criminal monetary penalties:

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant organization shall pay the cost of prosecution.
- The defendant organization shall pay the following court cost(s):
- The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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Sheet 4A — Schedule of Payments

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DEFENDANT ORGANIZATION: MOODY MOTOR CO., INC.  
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**ADDITIONAL DEFENDANTS AND CO-DEFENDANTS HELD JOINT AND SEVERAL**

**Case Number**

<b>Defendant and Co-Defendant Names (including defendant number)</b>	<b>Total Amount</b>	<b>Joint and Several Amount</b>	<b>Corresponding Payee, if appropriate</b>
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Sheet 4B — Schedule of Payments

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DEFENDANT ORGANIZATION: MOODY MOTOR CO., INC.  
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**ADDITIONAL FORFEITED PROPERTY**

DEFENDANT ORGANIZATION: MOODY MOTOR CO., INC.  
CASE NUMBER: 8:24CR00043**STATEMENT OF REASONS** The court adopts the presentence report and guideline applications **WITHOUT CHANGE**.**OR** The court adopts the presentence report guideline applications **BUT WITH THESE CHANGES:****Guideline Range Determined by the Court:** The defendant organization is a criminal purpose organization pursuant to U.S.S.G. §8C1.1.**OR** The calculation of the guideline fine range is unnecessary because the defendant organization cannot pay restitution pursuant to U.S.S.G. §8C2.2(a).**OR**

Total Offense Level: \_\_\_\_\_

Base Fine: \_\_\_\_\_

Total Culpability Score: \_\_\_\_\_

Fine Range: \$ \_\_\_\_\_ to \$ \_\_\_\_\_

 Disgorgement amount of \$ \_\_\_\_\_ is added to fine pursuant to U.S.S.G. §8C2.9. Fine offset amount of \$ \_\_\_\_\_ is subtracted from fine pursuant to U.S.S.G. §8C3.4. Fine waived or below the guideline range because of inability to pay pursuant to U.S.S.G. §8C3.3.**RESTITUTION DETERMINATIONS**

Total Amount of Restitution: \$ \_\_\_\_\_

 For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A). For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victim's losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B). For offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii). Restitution is not ordered for other reasons: Partial restitution is ordered, pursuant to 18 U.S.C. § 3553(c) for the following reason(s):

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Attachment A — Statement of Reasons

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## STATEMENT OF REASONS

- The sentence is within the guideline range and the court finds no reason to depart from the sentence called for by the application of the guidelines.

## OR

- The sentence departs from the guideline range:
- upon motion of the government, as a result of a defendant's substantial assistance, or
  - for the following specific reason(s):

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## **ADDITIONAL FINDINGS AND GUIDELINE APPLICATION CHANGES**

Pursuant to USSG § 8C2.1, the provisions of USSG §§ 8C2.2 through 8C2.9 do not apply. Appendix A directs the application of USSG § 2X3.1 for a violation of 18 U.S.C. § 3. USSG § 2X3.1 falls under subsection (b) of USSG § 8C2.1 and indicates that with respect to cases in which the offense level for the underlying offense is determined under one of the guideline sections listed in subsection (a), the provisions of USSG §§ 8C2.2 through 8C2.9 do apply. The underlying offense in this case is 42 U.S.C § 7413(c)(2)(C), which requires the application of USSG §§ 2Q1.2 or 2Q1.3. Neither one of those guidelines are listed in USSG § 8C2.1(a). Therefore, calculations for the Offense Level, Base Fine, Culpability Score, Multipliers, the Guideline Fine Range and Disgorgement were not completed. Because of this, USSG § 8C2.10 applies.

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Attachment C — Statement of Reasons

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**ADDITIONAL REASONS FOR DEPARTURE FROM THE GUIDELINE RANGE**